

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

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)	
SUNBEAM PRODUCTS, INC. d/b/a JARDEN)	
CONSUMER SOLUTIONS,)	
)	Civil Action No. 08 CV 376
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	
HOMEDICS, INC.,)	
)	
Defendant.)	

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
FOR PATENT INFRINGEMENT**

Plaintiff Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions (“Sunbeam”), by and through its undersigned counsel, for its complaint against HoMedics, Inc. (“HoMedics”), hereby alleges as follows:

NATURE OF THE ACTION AND JURISDICTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. Defendant HoMedics regularly conducts business in Wisconsin and has committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in the Western District of Wisconsin and elsewhere in Wisconsin. This Court therefore has personal jurisdiction over HoMedics.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and 1400(b) because defendant HoMedics regularly conducts business in this judicial district, and certain of the acts complained of herein occurred in this judicial district.

THE PARTIES

4. Plaintiff Sunbeam is a Delaware corporation having a principal place of business at 2381 Executive Center, Boca Raton, Florida 33431.

5. Upon information and belief, HoMedics is a Michigan corporation having a principal place of business at 3000 Pontiac Trail, Commerce Township, Michigan 48390.

THE PATENT-IN-SUIT

6. On July 28, 1992, the United States Patent and Trademark Office issued U.S. Patent No. 5,133,420, entitled "Bearing Support for a Scale Platform" (hereinafter "the '420 patent"). A true and correct copy of the '420 patent is attached hereto as Exhibit A.

7. Sunbeam is the owner of all right, title and interest in and to the '420 patent and has the sole and exclusive right to enforce the patent, including the right to recover damages for past infringement.

CLAIMS FOR RELIEF

8. Sunbeam realleges and incorporates by reference the allegations stated in paragraphs 1-7 of this Complaint.

9. HoMedics has infringed the '420 patent by making, using, importing, selling or offering to sell, and by inducing, aiding and/or abetting, encouraging or contributing to others' use of, products that fall within the scope of one or more of claims 1-9 of the patent. The infringing products include at least the following products made, sold, or offered for sale by Homedics: HoMedics branded scale models SC-120, SC-525, SC-505, 121, 122 and 125; Body

Basics branded scale model SC-500; Taylor branded scale models 7200, 5563, 5571, 7020, 7001, 7003, 5564, 4828, 4827, 4826, 2020, 2372, 4830, 4825 and 2004W; and Metro scale model 2000.

10. HoMedics has received notice of its infringement of the '420 patent.

11. HoMedics' acts of infringement are and have been willful.

12. HoMedics' acts of infringement have injured Sunbeam, and Sunbeam is entitled to recover damages adequate to compensate it for the infringement, but in no event less than a reasonable royalty.

13. HoMedics' acts of infringement will continue after service of this Complaint, thereby causing further injury to Sunbeam, unless and until such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Sunbeam respectfully prays for a judgment as follows:

(a) A finding that HoMedics has infringed the '420 patent and that such infringement is willful;

(b) An award of damages adequate to compensate Sunbeam for the infringement, together with prejudgment interest from the date infringement began;

(c) An award of enhanced damages pursuant to 35 U.S.C. § 284;

(d) A finding that this case is exceptional and an award to Sunbeam of its reasonable attorney fees pursuant to 35 U.S.C. § 285;

(e) An injunction permanently prohibiting HoMedics, and all persons in active concert or participation with them, from further acts of infringement of the patent; and

(f) Such other and further relief as this Court or a jury may deem proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial as to all issues so triable herein.

Dated: July 1, 2008

Respectfully Submitted,

SUNBEAM PRODUCTS, INC. d/b/a JARDEN
CONSUMER SOLUTIONS

/s/ Erick S. Ottoson

Thomas G. Pasternak

Erick S. Ottoson

DLA PIPER US LLP

203 N. LaSalle St., Ste. 1900

Chicago, IL 60601-1293

Telephone: (312) 368-4065

Facsimile: (312) 630-5392

thomas.pasternak@dlapiper.com

erick.ottoson@dlapiper.com

*Attorneys for Plaintiff Sunbeam Products, Inc. d/b/a
Jarden Consumer Solutions*